HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 28137 of 2007

31.12.2007

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Between:

A.P. Prasad Rao

… Petitioner

AND

The State of Andhra Pradesh,
Rep. by Divisional Forest Officer,
Kadapa & others

… Respondents

Counsel for the petitioner : Sri T.V.S. Kumar

Counsel for the respondents : Assistant Government Pleader for Forests

O R D E R:

This writ petition is filed for a writ of mandamus to declare seizure of vehicle bearing Registration No. AP 21 W 607 belonging to the petitioner, under report Nos. 3051 and 3052 dated 02.07.2007 as illegal, arbitrary and violative of the provisions of the Andhra Pradesh Forest Act, 1967 (for short, 'the Act'). The petitioner has also sought for a direction to the respondents to release the said vehicle to him.

Heard Sri T.V.S. Kumar, learned counsel for the petitioner and learned Assistant Government Pleader for Forests.

From the averments contained in the affidavit filed in support of the writ petition, it is clear that the vehicle, which is being claimed by the petitioner as belonging to him, was seized by respondent No.3 on 02.07.2007 in connection with a forest offence. The allegation

contained in Form-A shows that 20 numbers of red sander logs were seized from the vehicle and 10 more were found in the nearby bush.

Learned Assistant Government Pleader for Forests, on instructions, states that the proceedings initiated under Section 44 of the Act are pending before the Divisional Forest Officer, Kadapa.

Though Sri T.V.S. Kumar, learned counsel for the petitioner made strenuous efforts to convince this Court that the petitioner is innocent and that his vehicle is misused by others, I am not inclined to go into the said aspect at this stage because, the statutory proceedings following the seizure have already been initiated and pending before the Divisional Forest Officer, Kadapa. Another reason for my disinclination to direct the respondents to consider release of the vehicle to the petitioner is that the vehicle was seized about six months back and it is not appropriate to direct release of the same at this stage when the confiscation proceedings are pending and more so the allegations on which the vehicle was seized appear to be serious in nature.

In the above circumstances, the writ petition is disposed of with the direction to the Divisional Forest Officer, Kadapa to dispose of the proceedings initiated under Section 44 of the Act within a period of six months from the date of receipt of a copy of this order.

As a sequel to disposal of the writ petition, W.P.M.P. No. 36772 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

31.12.2007

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